

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

C. P No. S – 93 of 2025

Hearing of case

1. For orders on office objection at flag 'A'
2. For hearing of CMA No.333/2025 (S/A)
3. For hearing of main case

02.02.2026

Mr. Badaruddin Memon, Advocate along with Petitioner
Mr. Mansoor Hussain Maitlo, Advocate along with Respondent
No.1
Mr. Shahryar Awan, Assistant Advocate General Sindh

ORDER

Through instant Constitutional Petition, learned counsel appearing for the petitioner has impugned judgment dated 26.02.2025 and decree dated 14.03.2025 passed by learned District Judge, Naushahro Feroze in Family Appeal No.48 of 2024. The above noted Family Appeal impugned the judgment and decree dated 15.08.2024 passed by 2nd. Civil and Family Judge, Moro in Family Suit No.123 of 2022.

Perusal of both the impugned judgments, reveal that the maintenance of Rs.9000/- per month per minor was granted to the respondent No.1. It has been contended by learned counsel appearing for the petitioner that the said amount is exorbitant and beyond the means of the petitioner as he draws a salary, in which he cannot meet the noted expenses of the minors. It has further been contended that the petitioner has other responsibilities and has married again from which marriage, he has another child. In this regard, it has been contended by learned counsel for the petitioner that both the judgments passed by two courts below may be modified to an amount, which is affordable by the petitioner.

I have specifically confronted the learned counsel for the petitioner in reference as to whether the salary slip attached with the instant petition was exhibited before the learned trial Court. The learned counsel in this regard very candidly conceded that the same was not done as his defence was struck off. Thereafter, I specifically confronted the learned counsel as to whether this ground was taken before the appellate court. Learned counsel for the petitioner again very candidly conceded that even though the judgment of the learned trial Court was challenged in its entirety this ground was not specifically taken.

I have examined both the judgments passed by Courts below and find no infirmity in the same. The burden of proving of limited means was on the petitioner and his failure to discharge the burden has led to passing of the impugned judgment. In this regard no case of interference is made out and the instant petition is dismissed with no order as to cost.

Judge

ARBROHI